

REMARKS

Claims 1-8, 10-14 and 17-33 are pending in the present application. Claims 1-8, 10-14 and 17-33 stand rejected. No claims have been allowed. No claims have been canceled, amended or added herein.

I. Rejections under 35 U.S.C. § 103

Claims 1-8, 10-14 and 17-33 all stand rejected under 35 U.S.C. § 103(a) as being clearly unpatentable over U.S. Patent No. 5,971,271 to Wynn, et al. ("Wynn") and U.S. Patent No. 6,905,409 to Bradshaw ("Bradshaw"). In particular, the Office Action states that "Wynn discloses providing a user identification . . . , determining a user profile . . . , determining the information that user is permitted to view . . . and displaying only the information the user is allowed to view, wherein the resulting display is customized to the user based at least in part upon the first input and the second input (column 2, lines 35-45)." Applicants respectfully traverse.

Applicants first submit that a *prima facie* case of obviousness has not been made for several reasons. To establish a *prima facie* case of obviousness, the proffered combination of prior art references must teach or suggest all claim limitations. *See, e.g.*, MPEP § 2143. In addition, there must be a reasonable expectation of success when making a proposed combination or modification. *See id.* Furthermore, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or combine reference teachings. *See id.* Applicants respectfully submit that none of these three requirements are met by the obviousness rejections as set forth in the Office Action. Applicants also submit that should a *prima facie* case of obviousness be established, that other factors and/or secondary considerations that serve to rebut such obviousness rejections can be provided. Applicants

believe it to be unnecessary to present each of these additional factors and/or secondary considerations here, however, since the initial burden of making a *prima facie* case of obviousness has not yet been met, and because the presentation of such factors and considerations ordinarily involves a substantial amount of resources and time. Accordingly, Applicants respectfully reserve the right to present such additional information should a *prima facie* case of obviousness be established.

All Claim Limitations Not Within The Prior Art

In order to render a claim as obvious, a purported combination of references must contain every material element of that claim. *See* MPEP § 2143. Yet, several material claim elements have not been accounted for in the prior art or even addressed in the pending Office Action. For example, independent claims 1 and 32 both recite the step:

- **determining which elements from said set of navigation selectable elements that said □ user is permitted to view in accordance with said □ user profile**

Applicants respectfully submit that the Office Action has not adequately shown or discussed how this specific claim element can be found in the recited prior art. Although the Office Action appears to hint at this element as part of its general assertion that most of the claimed steps and elements of claim 1 can be found in a ten line passage of Wynn, the Office Action then goes on to state that “Wynn . . . does not explicitly teach providing a *set of navigation selectable elements*” (emphasis added). The Office Action then goes on to assert that “Bradshaw discloses a gaming system providing a set of navigation selectable elements” in the form of a 10-key keypad with several function keys. Nowhere in Bradshaw is it taught or suggested that any subset of elements from this alleged set of navigational selectable elements are viewable, much less where any determination is made as to which elements a user is permitted to view. Not only does Bradshaw not teach or suggest such a determining step, but Bradshaw certainly does not teach basing such a determination on a user profile. Nothing in Wynn or any of the other recited prior art cures this deficiency of Bradshaw, such

that the pending § 103 rejections for these claims cannot stand as presented. Because each of dependent claims 2-8 and 33 all depend from one of independent claims 1 or 32, the pending § 103 rejections for these claims similarly cannot stand for at least the same reason.

Other claim elements are similarly not taught or suggested by Wynn or Bradshaw alone or in combination. As noted above, the Office Action asserts that column 2, lines 35-45 of Wynn teaches each of the following claimed steps and elements of claim 1:

- **accepting a second input from an operator of said gaming system**
- **providing a user identification associated with said given user**
- **determining a user profile from said user identification**
- **displaying only said navigation selectable elements said user is allowed to view**
- **wherein said resulting display is customized to the user based at least in part upon said first input and said second input**

A careful read of this passage of Wynn simply does not reveal any or all of these claimed steps and elements, and Applicants are at a loss as to how to address this deficiency of Wynn. For purposes of clarity, the specific passage of Wynn that is alleged to teach all of these steps is provided here in its entirety:

The combination of the card club feature and the voice and video communication now make it possible for the concierge via video image and audio channel to greet the player, remind him of his card club bonus level and also solicit any of the needs of the player such as change, beverage, dinner reservations, or the like so the player has no need to leave the machine, nor interrupt his play. Likewise, solicitation for card club membership can be made via the channel in a courteous manner.

Applicants note that the present claims are directed toward “(configuring) *a graphical user interface*,” rather than providing a simple display and/or video feed as is done here and in Wynn in general, and submit that neither this quoted passage nor any other passage in Wynn teaches the claim steps and elements set forth above, as has been alleged.

Similarly, with respect to independent claim 10, additional material claim elements have not been adequately accounted for in either of Wynn or Bradshaw. In addition to claim

elements that are identical or similar to the elements noted above for independent claim 1, each of the following elements of claim 10 have not been shown to be taught by Wynn:

- wherein said operator is an employer of said given user
- determining an access point for said ordered navigation selectable elements for said given user from said profile
- said access point determining a portion of said navigation selectable elements which are accessible to said given user and a portion of said navigation selectable elements which are not accessible to said given user based on said order thereof

With respect to the first limitation above requiring that the operator be an employer of the user, the Office Action points to Wynn at column 9, lines 20-30. Here, however, Wynn describes how its "concierge" may have a "supervisor," but never describes how such a supervisor provides any form of "operator input" that is then used to customize a display with respect to any navigation selectable elements. Furthermore, the Office Action has asserted that the "first input" provided by the "user" is from a player of the system, and as such the "supervisor" of this passage would then not be an employer of the player, as is claimed.

Regarding the second and third limitations above, the Office Action again refers to Wynn at column 2, lines 35-45, which is quoted in its entirety above. Applicants respectfully submit that nothing in this passage remotely suggests an access point, much less an access point set to determine which portions of navigation selectable elements are accessible and which are not accessible to the user. Of course, by failing to teach or suggest these elements, this passage also cannot teach or suggest how such an access point can determine which portions are available and which are not based on a predetermined order of navigation selectable elements as has been claimed. For at least the foregoing reasons, Applicants submit that the § 103 rejection of independent claim 10 cannot stand as presented. Because each of dependent claims 11-14 all depend from claim 10, the pending § 103 rejections for these claims similarly cannot stand for at least the same reasons.

With respect to independent claim 17, many of the foregoing points stand with respect to similar claim elements. In addition to the foregoing, each of the following elements from claim 17 have not been shown to be taught by Wynn or Bradshaw:

- **a main window having a navigation viewport . . . and a data viewport arranged to display information associated with an application**
- **wherein said graphical user interface is adapted to display said navigation selectable elements in a plurality of configurations dependent upon a configuration of a station on which said graphical user interface is displayed or a user profile**
- **and wherein said resulting display is customized to the user based at least in part upon said first input and said second input.**

With respect to the first item above, which recites separate claim limitations, the claim requires a main window and a data viewport as separate claim elements. Despite the reference to Bradshaw provided in the Office Action, nothing in the cited passage or in Bradshaw in general teaches of a main window having a navigation viewport and also a separate data viewport, as is claimed.

With respect to the second and third items above, the Office Action simply recites these claim elements at length and then points to Wynn at column 5 lines 1-30 as allegedly teaching or suggesting all of these elements. A careful read of this passage, however, does not reveal how Wynn teaches any of: 1) a GUI adapted to display navigation selectable elements; 2) in a plurality of configurations; 3) dependent upon a configuration of a station on which said GUI is displayed or a user profile. As noted above, the Office Action itself admits elsewhere that "Wynn . . . does not explicitly teach providing *a set of navigation selectable elements*" (emphasis added). As such, Applicants are at a loss as to how any of these items can now be said to be taught by Wynn.

Furthermore, many of the elements of claim 17 have apparently been confused with and/or accounted for by several elements within the recited prior art. For example, while claim 17 recites a computing device, a gaming device, a first user station and a second user

station, the Office Action appears to designate at various times an ordinary gaming machine as all of these elements. Applicants respectfully submit that this is simply not the case, and that these items are to be considered as four separate elements, as has been claimed. For at least the foregoing reasons, Applicants submit that the § 103 rejection of independent claim 17 also cannot stand as presented. Because dependent claims 18-31 all depend from claim 17, the pending § 103 rejections for these claims cannot stand for at least the same reasons.

Although not necessary since all independent claims have been seasonably traversed on several grounds, Applicants nevertheless note numerous objections with respect to the rejections made for several dependent claims as well. For example, Applicants respectfully submit that neither Wynn nor Bradshaw teaches or suggests alone or in combination:

- “container elements” as claimed in claim 2;
- “a hierarchical format” as claimed in claim 4;
- “a tree form” as claimed in claims 6 and 19;
- “displaying the displayed navigation selectable elements in a form dependent upon said user profile” as claimed in claim 7;
- “said navigation selectable elements are arranged into one or more levels” as claimed in claim 11;
- “navigation selectable elements associated with one or more levels higher than the level with which said access point is associated are not accessible to said user” as claimed in claim 12;
- “determining a configuration for said navigation selectable elements based upon said user profile” as claimed in claim 13;
- “displaying said navigation selectable elements in accordance with said configuration” as claimed in claim 13;
- determining if said user is restricted from viewing one or more of said navigation selectable elements based upon said user profile” as claimed in claim 14;
- “preventing the display of those elements” as claimed in claim 14;

- “wherein said at least one first user station comprises a station having a touch-sensitive display” as claimed in claim 18;
- “said soft count system is arranged to verify the authenticity of accepted vouchers or tickets and reconcile said accepted vouchers or tickets against those that have been recorded as having been received and paid by said one or more gaming devices within said gaming system” as claimed in claim 22;
- “wherein at least one user profile for one cashier does not permit the display of soft count information to said cashier on said gaming system” as claimed in claims 23 and 33;
- “said gaming system accounting system comprises an audit system adapted to poll a host of said gaming system to confirm proper operation of the system” as claimed in claim 24;
- “the location of one or more elements of the graphical user interface is [device/user] specific” as claimed in claims 25 and 26;
- “said location of said one or more elements of the graphical user interface depends on whether a particular user is left or right handed” as claimed in claim 27;
- “one or more of said one or more navigation selectable elements comprises a level navigation button” as claimed in claim 28;
- “said level navigation button is not made available to all users of said gaming system” as claimed in claim 29;
- “wherein at least some users of said gaming system are not permitted to change the configuration of said graphical user interface” as claimed in claim 30; and
- “wherein said user profile comprises a common user profile shared by a plurality of users of said gaming system” as claimed in claim 31.

For many of the above listed claim elements, the Office Action does not point to any reference, but merely asserts, “It would have been obvious [to have such an element].”

Applicants respectfully object to such improper rejections, and request that an adequate basis be provided for each rejection, or the respective rejections(s) be withdrawn. For many other of the above listed claim elements, the Office Action purports to point to one or more specific

locations in the prior art for such elements, although adequate support for such elements simply does not exist at the given locations or anywhere within the recited prior art.

Other specific rejections fail on additional grounds as well. For example, regarding claim 14, if the purported user input is the insertion of a player club card, as asserted elsewhere in the Office Action, then it would be impossible to determine if the user is restricted from viewing elements due to not having a player club card. Applicants respectfully submit that similar defects exist with respect to other specific rejections of the dependent claims, but that isolating each such defect becomes problematic as the Office Action fails to account for various claim elements from the independent claims, and confuses or collects other elements within a single item discloses in the prior art.

No Reasonable Expectation Of Success Within The Prior Art

A reasonable expectation of success in making a proposed combination must also be found in the prior art, and similarly cannot be based on the disclosure provided by the Applicant. See MPEP § 2143. As in the foregoing section, the Office Action fails to show where any reasonable expectation of success exists in the recited prior art, instead relying again upon the disclosure of Applicant. The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention, however, and Applicants submit that one of skill in the art would simply not consider modifying the relatively simple ten-key keypad of Bradshaw to be a customized graphical user interface for each user, and then combine this modified keypad with the video feed display disclosed by Wynn to arrive at the claimed invention.

Nothing in either reference suggests that the ten-key keypad of Bradshaw should or could be customized for a given user. Furthermore, the only "customization" taught by Wynn is with respect to data, such as user name and other personal information that might be displayed. Such customization is not made with respect to an overall *graphical user interface*

configuration, as has been claimed. In fact, nothing in either reference teaches or suggests a *graphical user interface* that is customizable for a user, much less one that is customizable based on input from both the user and an operator. Furthermore, neither reference teaches or suggests a graphical user interface having a set of navigation selectable elements, some of which may or may not be accessible to the user based on such a customized configuration. In making the pending rejections, the pending Office Action repeatedly confuses the terms user and operator with player, casino employee or concierge, and/or casino supervisor, without reading these persons and their associated terms. As such, the ten key keypad of Bradshaw, which is to be used by a casino dealer, does not translate well to the video feed and display system of Wynn, where it would then be used by a game player. Similar discrepancies exist with other purported combinations of the teachings of Wynn and Bradshaw.

In sum, Applicant respectfully submits that no reasonable expectation of success has been shown to be within the recited prior art, such that a *prima facie* case for obviousness has not been made for at least this reason.

No Motivation To Combine Within The Prior Art

The teaching or suggestion to make the claimed combination must be found in the prior art, and not based upon the disclosure of the Applicant. *See* MPEP § 2143. Also, the level of skill in the art cannot be relied upon to provide the suggestion to combine references, and the mere fact that references can possibly be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the claimed combination. *See* MPEP § 2143.01. Although the Office Action states, "It would have been obvious for one skilled in the art, at the time of the invention to learn from Bradshaw to disclose teaching providing a set of navigation selectable elements," and also "it would have been obvious to provide a set of navigation selectable elements for displaying for carrying out the user interaction referred to in Wynn," the Office Action does not point out where in the

prior art these proposed motivations or "problems" exist. Applicants respectfully submit that neither of these particular proposed motivations would motivate one to make the proffered combination of all of the recited references in the manner proposed to achieve the claimed invention in any event. Accordingly, Applicant respectfully submits that no proper motivation to combine references in the manner proffered has been shown, such that a *prima facie* case for obviousness has not been made for at least this reason as well.

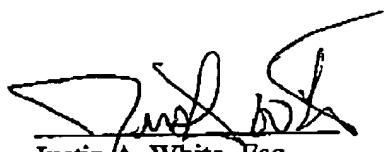
For each of the foregoing reasons, Applicant respectfully requests the withdrawal of the pending obviousness rejections, and that the claims be passed to issuance.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a Notification of Allowance to that effect. It is believed that no fee is due at this time. Should any fee be required for any reason related to this document, however, then the Commissioner is hereby authorized to charge such fee or fees to Deposit Account No.50-0388, referencing Docket No. IGT1P119. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this document or application.

Respectfully Submitted,
BEYER WEAVER & THOMAS, LLP

Date: April 12, 2006



Justin A. White, Esq.
Reg. No. 48,883

P.O. Box 70250
Oakland, CA 94612-0250
(650) 961-8300